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'The State of Truth: Evidence and Authority in the work of the TRC'

Paper for ASSAf Symposium on 'Science and Authority', Pretoria, 1 October 2003.

Acts of injustice done Between the setting and the rising sun in History lie like bones each one

WH Auden

Introduction

If only discovering and setting down the truth were like the finding by an archeologist of the bones of some long gone ancestor of the human race. The bones are fragile and bleached, but put together, the pieces of the skeleton can offer up a semblance of scientific truth. Unfortunately, the uncovering of the truth of human acts is more complex than the uncovering of bones. From 1996 to 1998, when I was privileged to work as a full-time member of the research department of the SA TRC, this was the challenge that faced us.

As Auden writes, the violations of human rights that occurred in the past, in our collective history, do not disappear or disintegrate: they lie for decades, for centuries even, until acknowledged by society. This was the role of the Truth and Reconciliation Commission: to uncover and acknowledge that truth, so that our society could at last be free and move forward. As put in the TRC act, the first listed objective of the Commission is to establish "as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations..." (Promotion of National Unity and Reconciliation Act, 1995, p 6). The third objective is to establish and make known the fate or whereabouts of victims. In some respects, and at the most obvious level, these objectives were achieved: The 'exhumation unit' of the TRC, for example, dug up the skeletons of those who had been secretly assassinated, and restored the grisly remains to their families for proper burial. Together with the burial went a more-or-less accurate version of what happened to them, and the public acknowledgement of how they died and who killed them. Along with the pain came 'closure' of a kind.

But the process of finding out 'the truth' in other respects was much more complicated, difficult and often simply messy. And the uncomfortable relationship of the Commission to the government raised many interesting questions relating to science, truth and authority.

The working of the South African Truth and Reconciliation Commission

Let me briefly recap how the TRC functioned, for those unfamiliar with its workings:

It was a government commission, with commissioners drawn from a range of backgrounds, people who had impeccable credentials and who were not party to the conflicts of the past. The commission was structured into three committees: human rights violations; amnesty; and rehabilitation and reparations. Under the commission was a large institution which involved administration, organization of hearings, legal processes, an investigation unit, a research department, a documentation process which employed data processors and data analysts, an information-gathering process which involved statement-takers, those doing 'low-level corroboration', as well as psychological and welfare counsellors and many others.

The research department employed academics who were considered to be qualified in fields relating to the TRC's mandate: sociologists, historians, political scientists, philosophers. Other departments were more based in a legal positivist tradition – the investigation unit, for example, employed people with a background in police work or legal work, forensic specialists etc.

The first eighteen months of the TRC's work were highly public and 'victim-centred', allowing people to 'tell their own stories' of abuse, either to statement-takers or at public human-rights violations hearings. Special hearings heard testimony from political parties, military groupings and other interest groups. After the deadline for amnesty applications had expired, the focus of the TRC was on hearing all the applications for amnesty in a legal process. This took much longer than anticipated. The initial report of the TRC was presented in October 1998, but the final report, in which the amnesty findings were analysed, was only released on 21 March this year.

Controversies that underpin research in relation to authority

I want to try and answer the question, was the TRC successful in reaching 'the truth', and if so, how 'scientific' was this truth? All kinds of problems must be raised in this regard: the testing of evidence; problems with corroboration of the stories of victims of human rights abuse; problems with exhumations; problems with the subjectivity of sources: victims, families, spies, police; problems with the internal capacity of the commission in terms of resources, staff, data capturing, access to documentation of the former regime.

Yet though I could go into each of these and offer a detailed critique of the TRC, it may be more useful to look at what kind of truth the TRC was trying to find. Let me begin with the SA TRC's discussion of this issue in its 1998 Report. Here it outlined the four notions of truth used in the Commission's work: factual or forensic truth, personal or narrative truth; social or 'dialogue' truth; and healing and restorative truth. (TRC 1998:Volume 1:110). While Deborah Posel of Wits University (2002:155) has criticised this framework as

a 'very wobbly, poorly constructed conceptual grid', Anthea Jeffery of the SAIRR has soundly rejected the TRC's use of the three 'non-factual' notions of truth. She understands the SA TRC as having used these other notions of truth in order to 'buttress its conclusions' and justify their 'fudging' of their inability to find the 'real truth' because 'it did not have sufficient 'factual' truth at its disposal at the time it wrote its report'. (1999:11) While this categorization of kinds of truth into four discrete types may not be the most useful approach, most analysts of truth commissions have distinguished between 'factual' truth - that is, truth based on empirically sound research and explanatory truth, in one way or another. The consensus seems to be that while the former may be more or less flawed in particular processes, it is an essential part of any such processes' work. The debate around whether databases are useful in generating empirically verifiable statistics about trends and causality is another matter. The latter, on the other hand, is seen as an elusive form of truth, even for the most well resourced transitional justice mechanism.

Chapman has argued that while analysts of truth commissions may portray truth as 'a single objective reality waiting to be discovered or found', the reality is that 'the documentation and interpretation of truth is more complex and ambiguous than many analysts and proponents of truth commissions assume' and in some cases may require the commission refuting popular understandings through the conducting of 'deep research.' (Chapman 2000: 4)

She is undoubtedly correct in this assumption, and the methodological problems experienced by those of us who worked as researchers for the SA TRC left us in no doubt about the complexity and ambiguity of documenting and interpreting the truth. Perhaps the most frustrating and sometimes heartbreaking aspect of working for the Commission was the inability to 'complete' research and investigation into a number of areas. As a social historian, Posel highlights this failure when she notes that there were high expectations that the Commission would 'find the truth' and explain what had happened in particular communities in detail: "People saw the TRC as an opportunity to piece together a comprehensive and detailed account of turbulent and divisive episodes in their histories, to clarify exactly who had been responsible for past traumas, how and why these had been inflicted, and to dispel any lingering doubts about who had or had not been an informer" (2002:151). However, she argues, these expectations were not met, because the TRC was pulled in the direction of finding a 'consensual truth' in the interests of nation-building, rather than a complex and divisive truth: "If the idea of individual interpersonal and communal catharsis validated the impulse towards completeness, the version of reconciliation as a national rupture with a divisive past pulled in a different direction." (2002:151).

I have developed this idea of the need for complex, detailed particular histories in other papers, and have explored ⁱⁱ some of the ambiguities and unresolved discrepancies of particular cases to come before the TRC. Although broadly in agreement with Posel, her assumption that 'people' wanted the TRC to uncover the 'real truth' of the past is not necessarily valid.

For there were many other cases where local communities preferred to hold on to their own myths about what happened, rather than have possibly unpleasant truths revealed — particularly those truths relating to collaboration and divisions within communities. And of course, different people have different expectations of truth-finding processes: the expectations of victims of human rights violations are not necessarily the same as the expectations of the community of which they are part; nor are they the same as those of academic observers or historians.

Lars Buur has developed an interesting critique based on his observation of the 'invisible everyday practices' of the TRC which comes to a similar conclusion. Buur has contrasted the notion of 'global truth' with that of 'local truth', arquing that truth commissions in general have focused on the former. He argues that the 'material for the new national history was ... cleaned of ambiguities' through the complex and contested process of statement taking. data capturing and analysis, and corroboration. He gives an illuminating example of how 'lowly' (in contrast to those empowered to make decisions, such as commissioners and committee members) TRC officials influenced whether a statement was deemed a 'gross human rights violation' rather than being dismissed as 'out of mandate'. He argues that the TRC worked within a framework of a 'scientific positivistic ideal', which was bound to create clear categories for quantitative analysis within the database. While such 'bureaucratically constructed truth necessitates...unequivocal categories so that entitlements in the form of reparation can be distributed', there is a countervailing tendency towards ambiguity and instability. This conflict had to be contained, regulated and neutralised. (Buur 1999)

Thus historians (and sociologists, anthropologists, even some political scientists) within the TRC research department who felt compelled to research particular cases or contexts in depth, so as not only to record the past but to make sense out of it, to offer to those victim communities more than a relay of their own words of suffering, but an explanation of why and how such terrible events came about, were often left frustrated. In certain cases we did begin such detailed analytical writing, but very little of it ended up in the final report, constructed as it was as a rather bland narrative illustrated by selected 'window cases'. The 'window cases' often contained the most 'meat' – and yet, as Posel notes, they were selected to be representative and illustrative of the general themes or findings, rather than to be comprehensive or to illustrate ambiguities and complexities.

Philosopher Michael Ignatieff argues that 'at the very least', truth consists 'of factual truth and moral truth, of narratives that tell what happened and narratives that attempt to explain why it happened and who is responsible'. He goes on to argue that the Latin American truth commissions have been more or less successful in establishing the first, factual truth. However, when it comes to the generation of a 'moral narrative – explaining the genesis of evil regimes and apportioning moral responsibility for the deeds committed under those governments' – they were 'infinitely less successful.' (1999:171). This is similar to the arguments of Posel and others about the SA TRC: that it failed to provide an explanation of events; that it was methodologically weak when it

came to issues of historical causality. These methodological weaknesses are undoubtedly linked to the way in which truth commissions conduct research. Yet, despite the validity of such criticisms, I would argue that they do not undermine the overall 'project' of such truth commissions. While weak on causality and specificity, if such commissions succeed in 'narrowing the range of permissible lies' (Ignatieff quoted in Hayner 2001:25), making impossible future denial, this is important enough in itself as a motivation and justification for truth-finding process.

The tensions within the SA TRC around the methodologies employed in finding 'the truth' reflect a broader debate around methodological eclecticism, and a seemingly irresolvable tension between empirical and interpretive, explanatory or moral truth. In the SA TRC this was reflected the tension on the one hand between historians/social scientists and lawyers, and on the other between social historians and those social scientists who had a more empiricist approach which emphasised the construction of an accurate database.ⁱⁱⁱ

The SA TRC Report, as one outcome of the TRC process, reflects this tension between the 'historical analysis' approach and the 'empirical' or 'case study' approach. This tension is observed and developed by both Deborah Posel and Andre du Toit in their papers to the 1999 History Workshop conference. It has been argued that the structure of the report led to the omission of analysis, built as it was around 'window cases' and 'HRV findings'. This reflected a tension between the methodologies of historian and lawyer. It can be argued that the outcome was that neither approach was followed through to its logical conclusion: the lawyers, or those social scientists who would adopt a more positivist methodology, argue that the TRC did not 'test the evidence' sufficiently, did not make findings on the basis of sufficient evidence, did not do sufficient empirical research or make use of existing statistics adequately. On the other hand, the historians argue that the complexity and specificity of particular acts, the texture of particular contexts and moral debates, was lost through the imperative of 'making findings' which had to be quasi-legal.

Posel notes that the rich local histories (which were in many cases researched and which were not incorporated into the final report, remaining instead in the archives) were 'marginalised by the energy and effort which went into the quantitative research exercise'. (2002:160) Many of us feel that this is true: while a handful of researchers (with academic background and research experience) battled to do substantial qualitative research, the Commission employed legions of data capturers, data analysts and statement corroborators. The database was then meant to generate substantial quantitative and qualitative analysis — but the process was so flawed that it was not ultimately used to full effect in this way.

In reflecting on this very real tension, it is worth noting that the TRC research team consisted primarily of individuals from an academic background, usually in history, sociology, politics or philosophy. Coming from such disciplines, we were inclined more towards the historical analysis approach, rather than the

quasi-legal or psychological 'case study' approach. These approaches were usually complementary, and the research department generally had a very good internal working relationship, with considerable interdisciplinary teamwork and the building of partnerships on certain topics or themes. However, the researchers were generally not lawyers or social workers. In relation to the latter, we had almost no involvement in the recommendations around reparations, and the work of that particular sub-committee of the Commission. In relation to the former, we were concerned more with 'telling history from below' than with building up water-tight legal cases for either victims or perpetrators.

As political philosopher Andre du Toit noted, there was a shift within the TRC from "a narratively framed victim-oriented conception of the TRC process to a perpetrator-focused quasi-legal approach". Much of the work of the research unit was done within the former conceptual framework: detailed background research for HRV hearings, historical research on the themes identified, and so on. However, when the final report was written up, the emphasis shifted to the latter conception. What became important was the findings that the commissioners had to make; in fact, the whole report was restructured to reflect this changed conception. Partly because of this changing emphasis and partly because of editorial constraints (a certain number of volumes and pages had been agreed on in advance) much of the continuity and analytical coherence of the research work was lost.

The relationship of the research unit to the legal aspect of the commission was complicated. On the one hand, it was the job of the Investigation Unit to corroborate each HRV statement, and where necessary to conduct further investigations. The researchers were meant to be able simply to use the information in the database, analysing that information to identify trends and patterns in human rights violations, and incorporating such analysis into the writing up of the themes as well as the regional profiles. In practice, things were not so simple: members of the research team were sometimes drawn into investigating particular cases or types of case, even in some cases doing basic corroboration work where the capacity did not exist in the regional offices. At other times the investigation unit did not co-operate fully with the research unit members in terms of sharing information, conducting investigations but not feeding the results into the relevant 'theme' of the research unit. Moreover, as is illustrated in the section on the database below, there were extensive problems with the quality of the statements taken, the way in which they were captured and corroborated, and thus also with the use of the database for the purpose of analysis. Meanwhile, the HRV Committee had to make quasi-legal findings on each of the 20 000 statements received.

Anthea Jeffery is substantially correct in much of her criticism of the TRC in relation to this process. There was not a rigorous process of 'testing the evidence' and the level of corroboration — even 'low-level corroboration' — was indeed too low. However, the TRC did make it clear that it was making findings on the 'balance of probability' rather than 'beyond reasonable doubt' — after all, it was finding (in the case of HRV statements) in favour of those declared 'victims', rather than, as in a criminal court, finding them guilty. Thus

the burden on the commission to prove every statement absolutely true was less than Jeffery supposes.

The debate around the methodologies of history overlaps to a great extent with that of the methodology of constructing 'truth' about the past – as distinct from the 'forensic truth' that is sought in a court of law. Most historians have no means of establishing 'forensic truth' – they cannot cross-examine witnesses of events, or perpetrators of actions. Yet through drawing on a multiplicity of sources, including a number of oral testimonies from participants or witnesses if the history being created is in living memory, together with other archival and secondary sources, historians can corroborate information to construct with a high degree of certainty and accuracy what 'actually happened'. Without going into detail into debates on the methodology of history, the point can be made that commissions such as the SA TRC do use precisely this somewhat eclectic 'historians methodology' – multiple sources of different kinds – in the construction of 'the truth'. Such a methodology goes beyond both the forensic evidence on which the court of law relies, and the positivist truth of particular social science methodologies.

I would go even further, and make the case that, at least potentially, some transitional justice mechanisms can go further methodologically than historians, social scientists or lawyers – as they have the means to draw on the methodologies of each of the three. Enriched by both the oral testimony of perpetrators and victims or other witnesses, as well as by the usual documentary, archival and media sources, and in addition by whatever statistical information can be generated from a powerful database on human rights violations, truth commissions have a methodological advantage, if they use it well.

The problem is that it is not easy to find the balance between forensic and narrative truth; between qualitative and quantitative research; between the global and the local; between the factual and the explanatory. Thus Posel criticises the SA TRC for not being 'historical enough'; Jeffery criticises the SA TRC for not being 'empirical enough'.

Buur has argued that many 'truth finding' transitional justice processes are based in an essentially modern and liberal notion of a 'truth' which is empirically verifiable. Moreover, he argues that most academic analysts of transitional justice mechanisms are themselves uncritical of this notion of empirical truth. Critics of such commissions focus on the visible or legible 'outcomes', and ignore the process by which such commissions generate 'truth'. They thus treat as unproblematic the power relations inherent in such processes. He notes that since the 1999 Wits History Workshop conference, such processes have received more attention – but emphasises that this is not only an 'outsider' view of such processes, but is now retrospective. While this is probably true, it is surely a reflection of the dynamic nature of social scientific enquiry: how social reality generates intellectual reflection, which feeds back into such processes of constructing history and truth, and generates further reflection. Thus Buur is all too aware of the self-reflective nature of the intellectuals who worked within transitional justice processes. As

noted above, those of us who made up the SA TRC's research department were from different disciplines within the social sciences and humanities: historians, philosophers, theologians, sociologists, anthropologists – yet all of us were fully aware of the interface between theory and practice; aware, in other words, of the methodologies being employed – even if we did not have full control over them.

Finding 'bigger strategic truths' about what happened – constructing 'explanatory truth' and exploring issues of causality – is what proved extremely difficult for the SA TRC. Clearly, some people hoped that the TRC would come up with definitive answers on questions such as who was responsible for the political violence of the early 1990s, and whether or not there was a strategically-directed 'third force' behind the IFP. It could not do so; and perhaps we simply have to accept that there is no hidden 'answer' like a conspiracy waiting to be revealed; that such wars or conflicts are inherently extremely 'messy'. All the most empirically thorough political scientists in the world would not be able to unravel the chain of cause and effect, the deliberately vague commands at the top, the local dynamics at the grassroots, and the interactions between them. Nor, in the case of such complex and protracted sequences of human rights violations, is there likely to be consensus about either the details of what happened, or who was ultimately responsible.

Of course, the 'global truth' that emerges from such processes depends not only on the willingness of perpetrators and the hunger of victim communities to speak out. This 'global truth' is overdetermined by the political agendas of the protagonists in the transition process, the imperative of national reconciliation and the attainment of political stability after the transition is over. So while the perpetrator 'footsoldiers' have been held to account by the amnesty process, their political masters are in many cases still sharing power in government, and truths which are deemed to be too divisive or uncomfortable may be 'sanitised' or even discredited in the interests of national unity.

Controversies around the TRC and the state:

How was the TRC's report accepted?

a) The ANC's rejection of the TRC's findings

When the TRC released its first report in October 1998, nobody who had been a party to the conflict accepted its findings. The IFP and the NP rejected the conclusions it had come to about them, understanding the TRC as being biased in favour of the ANC's view of history. The ANC, however, rejected the TRC's findings on it as fundamentally flawed: as a liberation movement, it had not violated any human rights, but had committed 'errors' in the course of a just war. The debate was about the interpretation of international humanitarian law and human rights law – I won't go into this in detail (see Cherry in Transformation 2000 – 'Was the TRC wrong about the ANC') but it is

significant to note this here as it was an important indicator of how the government was perceiving the TRC. The rejection in parliament by then vice-president Mbeki of the TRC's findings were, I argued, a significant indicator that the government was intolerant of a 'truth' which differed from its own 'truth' about the struggle. This rejection by the ANC also delegitimized the TRC process in the eyes of many South Africans, and thus had the potential to undermine the government's project of creating a culture of human rights.

This then had an impact on the issue of reparations and responsibility of government to victims of human rights violations:

b) The reparations controversy

Victims of human rights violations felt that they had gained little from the painful experience of reliving their torment in front of the TRC. The TRC had the mandate and resources only to make interim urgent reparations; it was tasked to make recommendations to government around a longer-term policy of reparations, which it did. The government came under increasing pressure from lobby-groups of victims – such as the Khulumani Support Group – to meet their expectations of substantial reparations. Understandably reluctant to accept responsibility – both morally and financially – for victims of the previous regime, the government delayed the paying of reparations by arguing that the TRC had not completed its report; the 1998 was an interim report, and it was awaiting the 'final report' – only released earlier this year (2003) before it could begin to implement a reparations policy. Even the amount factored into the current budget was deemed inadequate and disappointing by the victims.

c)The controversy around amnesty (esp with regard to KZN) and presidential pardons (eg APLA and MK operatives)

But even more thorny than the reparations issue was the issue of amnesty. This relates even more closely to the authority of the state. While the reparations issue concerns whether a government should take responsibility for the actions of a previous government, the amnesty issue poses dilemmas relating to the current stability of the state, and to the legitimacy of the justice system.

Two key dilemmas arose in this regard. The first was the ongoing political violence in KZN between the IFP and the ANC, and the demand for a 'blanket amnesty' which was seriously considered at a provincial level as a way of 'clearing the slate' and enabling the two parties or factions to find a way of living together, reducing the level of violence and instability in the province. Fortunately, in my view, it seems that this option has now been firmly rejected. A blanket amnesty would surely have undermined the whole TRC process and called into question the principle on which the TRC amnesty process operated: that each perpetrator had to apply for amnesty for particular acts, provide a full account of these acts, and convince the amnesty committee that these acts were politically motivated. Although many amnesty findings were challenged in court, this was a built-in part of a process which was essentially

based on the independence of the judiciary. A blanket amnesty for a particular province would have undermined not only the TRC, but the whole judicial system.

The second controversy concerned the granting of presidential pardons to individuals who had been refused amnesty by the TRC. These individuals were in the main ANC or PAC members who had already been sentenced by the court, and the president was seen as overriding the authority of the TRC by using his presidential prerogative to grant amnesty. It was argued that these individuals were politically motivated, and it was implied that the TRC had erred in refusing them amnesty. Yet although it must be acknowledged that the TRC could – and did- make mistakes, these pardons can be seen as undermining the TRC in directly challenging its decisions. Those who did not benefit from this process were bound to see it as politically expedient and biased against them.

d) The problem of informers (Bulelani Ngcuka, state archives and lists of spies etc)

More recently, the controversy around the relationship between truth-seeking mechanisms and the state's authority has re-emerged in the context of the row over National Director of Public Prosecutions, Bulelani Ngcuka. While at one level this is clearly a political conflict within the governing party, the ANC, which emerged because of the allegations that deputy president Jacob Zuma was involved in the arms deal, on another level it brings into question the role of the TRC and its relation to other state institutions: not only the Scorpions and the NDPP office, but also the NIS, the ANC itself, the national archives and the security structures of the former government. Documents from all these sources, relating to spies, police agents and informers, have been floating around – released into the hands of the media in some cases, parliamentarians in other cases – and some fundamental questions are raised:

Should such information come into the public domain at all? If so, how? How is it decided which names are made public, and who decides? Who has the authority to name traitors, and what are the implications for those so named? Verne Harris of the National Archives has noted that 'What the state does with all the information at its disposal, and how accessible that information is to citizens, are key issues'. (In *Transformation 42*, 2000). The response of the government in this case has been to appoint a judicial commission of inquiry into whether or not Ngcuka was a spy. This case is of great importance because of Ngcuka's position of authority in the state; his appointment to a position of such trust and authority assumes that his integrity is beyond question, and the allegation that he was a spy again undermines the legitimacy of the justice system.

It is apparent that this is only the 'tip of the iceberg' where the credentials of those in government are concerned. Commissions such as Hever's judicial commission, like the TRC, are essential in a democracy in providing an unbiased, objective, 'scientific' if you like, view on such delicate matters. But

they are effective only in providing such a check and balance if they are legitimized by the elected government, given full assistance by different arms of the state apparatus (including security forces, intelligence structures etc), and are seen as credible by the general population. Even if their findings are unpopular, it is essential that they have both legitimacy and credibility. If this is undermined by the very government that appoints them, then democracy is in dire straits.

How science can constructively engage authority in the context of a new democracy

This is a difficult question to answer in any circumstances, even more so when dealing with the social sciences and the difficulty of establishing scientific truth in such matters as are dealt with by a truth commission. Where the subject-matter of such truth is warfare, terrorism, violence, torture and death, emotions are bound to run high. Old resentments and bitternesses are deep; grudges are held for generations; reconciliation is not always possible. In this context, I would argue, transitional justice mechanisms such as the TRC can play an essential role in allowing for the establishment and consolidation of the new democracy. It is essential that such institutions are transparent (as the TRC was); that they are not tied to any political party or faction within a party, and in this sense are unbiased. This is not to argue that such institutions are neutral, technical exercises: they are bound to be controversial precisely because they are tasked with making moral judgements and trying to establish a consensual 'truth' about what happened in the past. What I mean is that they are objective and even-handed in their methodology of research and in their practices of truth-finding - by this I mean that all people are treated the same by the TRC; all amnesty applicants go through the same process and are judged in the same way; all human rights violations victims are entitled to the same reparations.

¹I served as a full-time member of the SA TRC's Research Department from April 1996 to December 1997, and in a part-time capacity until mid-1998. The Research Department, headed by Charles Villa-Vicencio, consisted of 12 – 14 experienced researchers, mostly with academic backgrounds, based in different regional offices of the TRC and conducting analytical as well as corroborative research for regional events and cases of human rights violations, as well as doing analysis on national 'themes' and writing sections of the TRC report.

See Cherry, 1999 and Cherry, 2000 in Villa-Vicencio and Verwoerd (eds).

lii I and other members of the SA TRC Research Department have argued elsewhere (see Cherry, Daniel and Fullard in Posel and Simpson, 2002) about the methodological and organisational difficulties of finding the truth through the SA TRC process, and the partial nature of the truth that emerged in specific cases.